

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

No.	2:18-cv-08311-ODW (ASx)	Date	January 4, 2022
Title	<i>United States of America et al v. University of Southern California</i>		

Present: The Honorable	Otis D. Wright, II, United States District Judge		
Sheila English	Not reported		N/A
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
Not present	Not present		

**Proceedings (In Chambers):**

**Order DENYING Stipulation to Extend Seal and Election Period AS MOOT Stipulation and RETURNING Lodged Documents to Filer**

On January 4, 2022, the Governments lodged with the Court a stipulation requesting an extension of the Governments’ seal and election period. This stipulation is moot in light of the Court’s Order denying Plaintiff-Relator’s ex parte application, (ECF No. 110), and the Court’s Order unsealing the case.<sup>1</sup> Therefore, the stipulation is **DENIED AS MOOT** and the documents are **RETURNED** to the filers.

Even if the stipulation were not mooted by the Court’s recent Orders, the Court would nevertheless deny the stipulation to keep the case under seal. The primary purpose of sealing a False Claims Act case is to prevent the defendant from learning about the allegations while the government conducts its investigation. Here, the Defendant is already aware of the investigation pending against it, and settlement discussions are well underway. Thus, the fundamental reasons for sealing a False Claims Act case no longer apply, and the Governments can no longer assert a generalized interest in the confidentiality of the docket of this case. *See Am. Civil Liberties Union v. Holder*, 673 F.3d 245, 249–50 (4th Cir. 2011) (citing S. Rep. No. 99-345, at 24–25 (1986)).

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<sup>1</sup> The Court’s Order unsealing the case was transmitted to the parties last week and is currently in the queue to be added to this case’s docket.

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The Governments’ request to extend the election period would likewise be denied on the merits. In their December 29, 2021 filings, the Governments made unequivocally clear that they elected not to intervene in this case. The Governments now assert that they may be reneging on this decision. If that is the case, the False Claims Act provides the Governments with the option to intervene at a later date upon a showing of good cause—a showing the Governments are free to make at the appropriate time. 31 U.S.C. § 3730(c)(3).

**IT IS SO ORDERED.**

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